

CITY OF HORSESHOE BAY
ORDINANCE NO. ORD 08-02-19G

SUBDIVISION ORDINANCE AMENDMENT

AN ORDINANCE OF THE CITY OF HORSESHOE BAY AMENDING ARTICLE VI SECTION (b) (2) (B) OF THE CITY OF HORSESHOE BAY'S SUBDIVISION ORDINANCE TO AUTHORIZE THE CITY TO REQUIRE PUBLISHING OF NOTICES FOR APPLICATIONS FOR REPLATS IN THE HORSESHOE BAY BEACON A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY IN ADDITION TO THE LLANO NEWS THE CITY'S OFFICIAL NEWSPAPER; PROVIDING FOR EFFECTIVE DATE, REPEALER, SEVERABILITY AND FINDING OF PROPER NOTICE AND MEETING.

WHEREAS, Ordinance No. 07-09-18F, the City of Horseshoe Bay's Subdivision Ordinance provides in Article VI Subsection (b) (2) (B), that notice of public hearings for applications for replats shall be by publication; and

WHEREAS, the Horseshoe Beacon is a newspaper of general circulation in the City of Horseshoe Bay, but does not meet the requirements of Government Code Section 2051.044 with regard to types of newspaper in which governmental notices may be published; and

WHEREAS, the Official Newspaper of the City of Horseshoe Bay is *The Llano News*; and

WHEREAS, the City Council of Horseshoe Bay finds that amending the Subdivision Ordinance to make Article VI Subsection (b) (2) (B) require that applications for replats require publishing of notices in both The Llano News, the City's official newspaper and the Horseshoe Bay Beacon, will more effectively publicize notice of such public hearings;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HORSESHOE BAY, THAT:

I. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

II. AMENDMENTS

(a) Amendment of Subsection (b) (2) (B)

Article VI Subsection (b) (2) (B) of Ordinance No. 07-09-18F, the City of Horseshoe Bay's Subdivision Ordinance, is hereby amended so that the entirety of the subsection shall read as follows:

- (b) (2) (B) Notice Requirement for Replats. Notice of a Replat public hearing shall be published by the applicant in The Llano News, the official newspaper of the City, and in the Horseshoe Bay Beacon, a newspaper of general circulation in the City not less than sixteen (16) days before the date set for the hearing, and by written notice approved by the Development Services Manager and forwarded by the applicant to the owners of property lying outside of the Replat boundaries and within two hundred feet (200') of those boundaries, as indicated on the most recently approved City tax roll, or in the case of a subdivision within the ETJ regulated by the City, the most recently approved County tax roll of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice properly addressed with first class postage paid, in the United States mail. The Development Services Department will post public hearing notice sign(s) as required on the affected property.

III. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

IV. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

V. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

VI. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was adopted was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

ADOPTED AND APPROVED on this the 19th day of February, 2008 by the City Council of the City of Horseshoe Bay, Texas.

CITY OF HORSESHOE BAY, TEXAS

/S/
Robert W. Lambert, Mayor

Attest:

/S/
Teresa L. Moore, City Secretary